01-24-05

IFW



Application No. (if known): 10/823,396

Attorney Docket No.: 05986/100M724-US1

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. in an envelope addressed to:

EU 329021433 - US

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

on January 21, 2005

Date

each submitted paper.

3

Signature

B.w. LEE

Typed or printed name of person signing Certificate

@@@ (212) 527-7700

Registration Number, if applicable Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify

Transmittal (1 page)
Information Disclosure Statement (2 pages)
IDS (Citation) by Applicant (3 pages) along with 35 References
Return Receipt Postcard

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application Number Application Number 10/823,396 Filing Date **TRANSMITTAL** April 12, 2004 First Named Inventor **FORM** Marcus B. Jones Art Unit 1632 (to be used for all correspondence after initial filing) Examiner Name Not Yet Assigned Attorney Docket Number Total Number of Pages in This Submission 7 05986/100M724-US1

ENCLOSURES (Check all that apply)						
Fee Transm	nittal Form	Drawing(s)		After Allowance Communication to TC		
Fee A	attached	Licensing-related Papers		Appeal Communication to Board of Appeals and Interferences		
Amendmen	t/Reply	Petition		Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)		
After I	Final	Petition to Convert to a Provisional Application		Proprietary Information		
Affida	vits/declaration(s)	Power of Attorney, Revocate Change of Correspondence		Status Letter		
Extension o	f Time Request	Terminal Disclaimer		Other Enclosure(s) (please Identify below):		
Express Ab	andonment Request	Request for Refund		36 References Certificate of Express Mailing		
X Information	Disclosure Statement	CD, Number of CD(s)		Return Receipt Postcard		
Certified Co	opy of Priority	Landscape Table on CD				
Reply to Mis		Remarks				
	to Missing Parts under R 1.52 or 1.53					
	SIGNATU	JRE OF APPLICANT, ATTO	RNEY, OR	AGENT		
Firm Name	DARBY & DARBY P	20 0		·		
Signature	Stete					
Printed name S. Peter Ludwig						
Date	January 21, 2005		Reg. No.	25,351		



Docket No.: 05986/100M724-US1

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Marcus B. Jones et al.

Application No.: 10/823,396

Filed: April 12, 2004

For: B. ANTHRACIS PREVENTION AND

TREATMENT; MUTANT B. ANTHRACIS

LACKING LUXS ACTIVITY AND

FURANONE INHIBITION OF GROWTH, AI-2 QUORUM SENSING, AND TOXIN

PRODUCTION

Confirmation No.: 3661

Art Unit: 1632

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A copy of each document on the PTO/SB/08 is attached.

Application No.: 10/823,396 2 Docket No.: 05986/100M724-US1

A concise explanation of relevance of the items listed on form PTO/SB/08 is given for only non-English language listed items.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: January 21, 2005

Respectfully submitted,

S. Peter Ludwig.

Registration No.: 25,351

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant

PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Sheet

Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known				
Application Number	10/823,396			
Filing Date	April 12, 2004			
First Named Inventor	Marcus B. Jones			
Art Unit	1632			
Examiner Name	Not Yet Assigned			
Attorney Docket Number	05986/100M724-US1			

	U.S. PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear			

3

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>il known</i>)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	۲°	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

		NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.1				
	ĊA	Adjei, et al. Pharmaceutical Research 1990; 7:565-569 and 63:135-144 (leuprolide acetate), "Pulmonary delivery of peptide drugs: effect of particle size on bioavailability of leuprolide acetate in healthy male volunteers."###			
	СВ	Bassler, Wright and Silverman. Mol. Microbiol. 1994; 13:273-286, "Multiple signaling systems controlling expression of luminescence in Vibrio harveyi: sequence and function of genes encoding a second sensory pathway."			
	СС	Benoist & Chambon, Nature 1981; 290:304-310I, "Sequence requirements of the SV40 early promotor region."			
	CD	Braquet, et al. J. Cardiovascular Pharmacology 1989;13 (sup5): 143-146 (endothelin-1) "Effect of endothelin-1 on blood pressure and bronchopulmonary system of the guinea pig."			
	CE	Brinster RL, et al., Nature 1982; 296:39-42, "Regulation of metallothioneinthymidine kinase fusion plasmids injected into mouse eggs."			
	CF	Chang TK et al., (1993) Cancer Res. 53:1043-1050, "Differential activation of cyclophosphamide and ifosphamide by cytochromes P-450 2B and 3A in human liver microsomes."			
	CG	Chen at al., Nature 2001; 415:545-549, Chen, X., S. Schauder, N. Potler, A. Dorsselaer, I. Pelczer, B. Bassler, and F. M. Hughson. 2001. "Structural identification of a bacterial quorumsensing signal containing boron." Nature 415:545-549			
	СН	Cote et al., Proc. Natl. Acad. Sci. USA 1983;80:2026-2030, "Generation of Human Monoclonal Antibodies Reactive with Cellular Antigens."			
	CI	Debs RJ, et al. J. Immunol. 1988; 140:3482-3488 (interferon- and tumor necrosis factor) "Lung-specific delivery of cytokines induces sustained pulmonary and systemic immunomodulation in rats."			
	CJ	Greenberg, Hastings and Ulitzur. Arch. Microbiol. 1979; 120:87-91, "Not found on Medline, please provide reference."			
	CK	Greener, et al., Strategies in Mol. Biol. 1995 7:32, "Not found on Medline, please provide reference."			
	CL	Guerot-Fleury, A., et al. Gene. 1995;167:335-336, "Antibiotic resistance cassettes for Bacillus			

Examiner	 Date	
Signature	Considered	

PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Sut	estitute for form 1449A/B/PT	·o		Complete if Known		
				Application Number	10/823,396	
11	NFORMATION	I DI	SCLOSURE	Filing Date	April 12, 2004	
l s	TATEMENT B	3Y <i>A</i>	APPLICANT	First Named Inventor	Marcus B. Jones	
				Art Unit	1632	
	(Use as many sh	eets as	necessary)	Examiner Name	Not Yet Assigned	
Sheet	2	of	3	Attomey Docket Number	05986/100M724-US1	

	reference."
- -	M Guerot-Fleury, A., et al. Gene. 1995;167:335-336, "Antibiotic resistance cassettes for Bacillus
	subtilis."
С	Hermes et al., Proc. Natl. Acad. Sci. USA 1990;87:696-700, "Searching Sequence Space by Definably Random Mutagenesis: Improving the Catalytic Potency of an Enzyme."
С	Hood et al., Immunology, Second Ed., 1984, Benjamin/Cummings: Menlo Park, California, p. 384, Book
С	Hubbard, et al. (1989) Annals of Internal Medicine, Vol. III, pp. 206-212 (1-antitrypsin), Book chapter NOTE: Can be provided upon request.
C	Huse WD et al., Science 1989; 246:1275-1281, "Generation of a large combinatorial library of the immunoglobulin repertoire in phage lambda."
	Bassler, Wright and Silverman. Mol. Microbiol. 1994; 13:273-286, "Multiple signaling systems controlling expression of luminescence in Vibrio harveyi: sequence and function of genes encoding a second sensory pathway."
	Jernigan JA, et al., Emer. Inf. Dis. 2001;7:933-933, "Bioterrorism-related inhalation anthrax: the first 10 cases reported in the United States."
C	Kohler G & Milstein C, Nature 1975; 256:495-497, "Continuous cultures of fused cells secreting antibody of predefined specificity."
C	CU Kozbor et al., Immunology Today 1983;4:72
С	Loeffler DA et al (1992) Cytom. 13: 169-174, "Analysis of distribution of tumor-and preneoplasia-infiltrating lymphocytes using simultaneous Hoechst 33342 labeling and immunophenotyping."
С	W Marshall, K. In: Modern Pharmaceutics Edited by G.S. Banker and C.T. Rhodes, Chapter 10, 1979 Book, NOTE: Can be provided upon request.
С	Mock, M., and A. Fouet. Annu. Rev. Microbiol 2001;55:647-671Mock, M., and A. Fouet. 2001, "Anthrax. Annu. Rev. Microbiol. 55:647-671"
С	Morrison et al., J. Bacteriol. 1984; 159:870, "Isolation of transformation-deficient Streptococcus pneumoniae mutants defective in control of competence, using insertion-duplication mutagenesis with the erythromycin resistance determinant of pAM beta 1."
С	Neuberger et al., Nature 1984;312:604-608, "Recombinant antibodies possessing novel effector functions"
С	Nielsen PE et al., Science 1991, 254:1497, "Sequence-selective recognition of DNA by strand displacement with thymine-substituted polyamide."
C	Provinciali M, et al., (1992) J. Immunol. Meth. 155:19-24, "Optimization of cytotoxic assay by target cell retention of the fluorescent dye carboxyfluorescein diacetate (CFDA) and comparison with conventional 51CR release assay."
С	Ren, D. et al., Environ. Microbiol. 2001;3:731-736, "Inhibition of biofilm formation and swarming of Escherichia coli by (5Z)-4-bromo-5-(bromomethylene)-3-butyl-2(5H)-furanone."
С	Ren, D. et al., Let. Appl. Microbil. 2002;34:293-299, "Inhibition of biofilm formation and swarming of Bacillus subtilis by (5Z)-4-bromo-5-(bromomethylene)-3-butyl-2(5H)-furanone."
С	Rivoltini L et al., (1992) Can. Immunol. Immunother. 34: 241-251, "Phenotypic and functional analysis of lymphocytes infiltrating paediatric tumours, with a characterization of the tumour phenotype."
C	CF1 Scientific American 1980;242:74-94
C	Sirard, Mock and Foeut. J. Bacteriol. 1994;176:5188-92, "The three Bacillus anthracis toxin genes are coordinately regulated by bicarbonate and temperature."
C	CH1 Takeda S et al., Nature 1985;314-452-454, "Construction of chimaeric processed immunoglobulin genes containing mouse variable and human constant region sequences."
	Villa-Komaroff L et al., proc. Natl. Acad. Sci. USA 1978;75:3727-3731, "A Bacterial Clone Synthesizing Proinsulin."
	Vollenweider I et al., (1992) J. Immunol. Meth. 149:133-135, "Comparison of four DNA staining
Examiner	Date

PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitu	ute for form 1449A/B/I	то		Complete if Known		
				Application Number	10/823,396	
INF	ORMATIO	N DI	SCLOSURE	Filing Date	April 12, 2004	
STATEMENT BY APPLICANT				First Named Inventor	Marcus B. Jones	
				Art Unit	1632	
(Use as many sheets as necessary)			necessary)	Examiner Name	Not Yet Assigned	
Sheet	3	of	3	Attomey Docket Number	05986/100M724-US1	

	fluorescence dyes for measuring cell proliferation of lymphokine-activated killer (LAK) cells."	
CK1	Wagner, et al., Proc. Natl. Acad. Sci. USA 1981; 78:1441-1445,	
CL1	Yamamoto T, et al., Cell 1980;22:787-797, "Identification of a functional promoter in the long terminal repeat of Rous sarcoma virus."	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner	Date	
Signature	Considered	

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.